

DAC

#40

ENZ-5 (D5)(C2)



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Dean Englehardt, *et al.*  
Serial No.: 08/486,066  
Filed: June 7, 1995  
Title: **A Sugar Moiety Labelled  
Nucleotide And Composition  
Comprising Same (Amended)**

Group Art Unit: 1634

Examiner: Ardin Marschel, Ph.D.

Enzo Diagnostics, Inc.  
c/o Enzo Biochem, Inc.  
527 Madison Avenue, 9<sup>th</sup> Floor  
New York, New York 10022  
November 20, 1998

**FILED BY EXPRESS MAIL**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**RECEIVED**  
DEC 5 1998  
OFFICE OF PETITIONS  
DEPUTY A/C PATENTS

**PETITION TO REVIVE AN UNINTENTIONALLY  
ABANDONED APPLICATION UNDER 37 C.F.R. § 1.137(b)**

Dear Sirs:

Applicants submit this petition to the Commissioner under the provisions of 37 C.F.R. § 1.137(b) to revive the above-identified application in which taking action was unintentionally delayed.

A response to a March 18, 1998 Final Office Action was originally due June 18, 1998.  
Applicants filed an Amendment After Final Office Action Under 37 C.F.R. § 1.116 And Request

12/02/1998 ZABDALLA 00000004 051135 08486066

01 FC:141 1210.00 CH

**EXPRESS MAIL**

"Express Mail" mailing label number: EL182318820US  
Date of Deposit: November 20, 1998

Applicants: Dean Englehart, *et al.*

Serial No.: 08/486,066

Filed: June 7, 1995

Page 2 (Petition to Revive Under 37 C.F.R. § 1.137(b) - November 20, 1998)

For A One-Month Extension Of Time on July 20, 1998 (July 18 being a Saturday). Accordingly, this application became unintentionally abandoned after July 18, 1998. A Notice of Abandonment was subsequently mailed on November 5, 1998. A copy of the November 5, 1998 Notice of Abandonment is attached to this Petition as Exhibit A.

It is hereby requested that this application be revived because the delay in taking actions was unintentional. This Petition is being made within one year of the date of the abandonment pursuant to 37 C.F.R. § 1.137(b) and, therefore, is timely filed.

Submitted previously, on July 20, 1998, was a response to the March 18, 1998 Final Office Action Under 37 C.F.R. § 1.116. Applicants respectfully request that this July 20, 1998 Amendment be entered in its entirety (including all proposed claim amendments) in response to the March 18, 1998 Final Office Action (copy attached as Exhibit B). Applicants further respectfully request that their Request Under 37 C.F.R. § 1.129(a) For Withdrawal of the Finality of the March 18, 1998 Office Action submitted concurrently herewith and attached as Exhibit C be entered, and that, pursuant to the provisions of 37 C.F.R. § 1.129(a), the finality of the March 18, 1998 Final Office Action be withdrawn.

Under rules effective October 1, 1997, the fee for filing a Petition to Revive an Unintentionally Abandoned Application Under C.F.R. § 1.137(b) is \$1320.00. The Patent and Trademark Office is hereby authorized to charge Deposit Account No. 05-1135 for the requisite fee of \$1,320.00. The Patent and Trademark Office is further authorized hereby to charge Deposit Account No. 05-1135 for the \$790.00 fee for filing a submission after final rejection and for any other any fees required in connection with this Petition or the attached Request (if the present petition is granted).

Applicants: Dean Englehart, *et al.*

Serial No.: 08/486,066

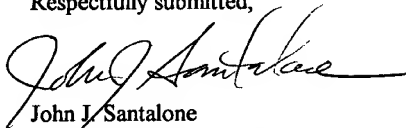
Filed: June 7, 1995

Page 3 (Petition to Revive Under 37 C.F.R. § 1.137(b) - November 20, 1998)

A duplicate copy of this Petition (without attached exhibits) is also submitted herewith.

Favorable action on this Petition is earnestly solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "John I. Santalone", written in a cursive style.

John I. Santalone  
(Registration No. 32,794)  
Attorney for Applicants

Enzo Diagnostics, Inc.  
c/o Enzo Biochem, Inc.  
527 Madison Avenue, 9<sup>th</sup> Floor  
New York, New York 10022  
Tel: (212) 583-0100  
Facsimile: (212) 583-0150

TAJIS\ENZO\ENZ-S\REVI-D5.C2


**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
 Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/486,066	08/07/98	ENGELHARDT	ENR 1050 0000

HM31/1105

ENZO DIAGNOSTICS, INC.  
 C/O ENZO BIOCHEM, INC.  
 527 MADISON AVENUE, 9TH FLOOR  
 NEW YORK NY 10022

EXAMINER	
MARSCHEL, H	
ART UNIT	PAPER NUMBER
1534	39

DATE MAILED: 11/05/98

**NOTICE OF ABANDONMENT**

This application is abandoned in view of:

1. ☒ Applicant's failure to respond to the Office letter, mailed 3/18/98
2. ☐ Applicant's letter of express abandonment which is in compliance with 37 C.F.R. 1.138.
3. ☐ Applicant's failure to timely file the response received \_\_\_\_\_ within the period set in the Office letter.
4. ☐ Applicant's failure to pay the required issue fee within the statutory period of 3 months from the mailing date of \_\_\_\_\_ of the Notice of Allowance.
- ☐ The issue fee was received on \_\_\_\_\_
- ☐ The issue fee has not been received in Allowed Files Branch as of \_\_\_\_\_

In accordance with 35 U.S.C. 151, and under the provisions of 37 C.F.R. 1.316(b), applicant(s) may petition the Commissioner to accept the delayed payment of the issue fee if the delay in payment was unavoidable. The petition must be accompanied by the issue fee, unless it has been previously submitted, in the amount specified by 37 C.F.R. 1.17 (i), and a verified showing as to the causes of the delay.

If applicant(s) never received the Notice of Allowance, a petition for a new Notice of Allowance and withdrawal of the holding of abandonment may be appropriate in view of *Delgar Inc. v. Schuyler*, 172 U.S.P.Q. 513.

5. ☐ Applicant's failure to timely correct the drawings and/or submit new or substitute formal drawings by \_\_\_\_\_ as required in the last Office action.
- ☐ The corrected and/or substitute drawings were received on \_\_\_\_\_
6. ☐ The reason(s) below.

REC'D NOV 09 1998

*Ardin H. Marschel*  
 ARDIN H. MARSCHEL  
 PRIMARY EXAMINER